



HOUSE MAJORITY OFFICE

MESSAGE POINTS

Representative Carlos Lopez – Cantera, Majority Leader

Distribution of Controlled Substances

HB 7095

Prescription drug abuse in Florida continues to reach epidemic levels. Past efforts by the regulating bodies have had little effect at curbing this statewide crisis. The Florida Legislature needs to focus on a solution that will stop the dispensing of medically unbelievable amounts of drugs to individual: banning practitioners from dispensing controlled substances. The practitioner dispensing ban in HB 7095 is the quickest and most effective way to stop the prescription drug abuse crisis in Florida.

Key Points:

- The Elimination of practitioner dispensing of the most dangerous controlled substances will quickly and effectively solve the prescription drug abuse problem in Florida.
- The practitioner dispensing ban in HB 7095 targets the source of the problem: practitioners who prescribe and dispense medically unbelievable amounts of dangerous drugs.
- The bill requires wholesale distributors to report and record the distribution of controlled substances to the Department of Health and prohibits distributors from selling controlled substances directly to practitioners.
- Rather than merely tracking drugs after they have already been dispensed, the data collected from wholesale distributors will allow law enforcement to identify and stop those dispensing medically unbelievable amounts of dangerous drugs before they reach individuals.
- The bill creates a buy-back program for current practitioners to sell back their controlled substance inventory.
- The bill gives law enforcement the support and tools necessary to combat the illicit distribution of controlled substances.
- The bill does not prohibit practitioners from administering on-site, necessary medication to their patients.
- The bill does not prohibit practitioners from prescribing medically necessary controlled substances, only the dispensing of the most dangerous substances.

LAST SEEN:

Health & Human
Services Committee
previously passed
this bill out as PCB
HHSC 11-03 on
3/10/11

CURRENTLY IN:

JUDICIARY
Committee

Judiciary Committee:
488-3088

Chairman Snyder:
488-8832

HEADED TO:

Once reported
favorably, the bill
will be released to
the House Calendar.



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The prescription drug abuse crisis in Florida has resulted from practitioners prescribing and dispensing medically unbelievable amounts of controlled substances.

- The abuse of prescription drugs is becoming more prevalent than the abuse of illicit drugs.
- In 2008-09, 49 of the 50 practitioners who dispense the most Oxycodone in the country were located in Florida (half were in Broward County) according to the Drug Enforcement Agency (DEA).
 - Florida has 5% of the population, yet Florida doctors alone dispense 85% of the Oxycodone dispensed in the entire country.
 - Also, nearly half of all doctors in the country who buy and dispense methadone are located in Florida and they purchase more than 93% of all the methadone sold to practitioners in the entire country.
- Lethal amounts of prescription drugs are found in deceased persons more often than illicit drugs are, according to a report by the Florida Medical Examiners Commission.

Past attempts by the Legislature and regulating bodies in 2009 and 2010 have failed to curb the prescription drug crisis.

- At their request, the medical boards and Department of Health were granted the authority by the Legislature to regulate practitioners through the administrative rulemaking process in order to stop abuses of prescribing and dispensing unfathomable amounts of controlled substances.
- Unfortunately, the attempts by the Board of Medicine and Department of Health have yielded few results in stopping the over-dispensing of controlled substances, as deaths related to prescription drug overdoses have continued to rise.
 - 2009: 1,157 deaths or 6 deaths a day
 - 2010: 1,268 deaths or 7 deaths a day

The Legislature can no longer sit idly by, waiting for weaker regulations to take effect while a staggering number of Floridians continue to die each day.

- The practitioner dispensing ban proposed by the bill will quickly and effectively stop the prescribing and dispensing of medically unbelievable amounts of schedule II and III controlled substances that has led to the prescription drug abuse crisis in Florida.
 - The bill requires wholesale distributors of controlled substances to report and record the distribution of controlled substances to the Department of Health.
 - The data collected from wholesale distributors will allow law enforcement to identify and stop those dispensing medically unbelievable amounts of dangerous drugs before they reach individuals rather than merely tracking these drugs after they have already been dispensed.
 - The bill requires policies and procedures for credentialing purchasers of controlled substances and establishes specific requirements for those credentialing procedures to prevent drug dealers posing as doctors from obtaining controlled substances.
 - The bill limits the amount of any one controlled substance that may be distributed to each pharmacy to no more than 5,000 unit doses in any given month.



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- The bill directs the Department of Health to deny, suspend, or revoke a distributor's permit for failure to credential its purchasers.
- The bill requires the use of tamper-proof prescription pads or electronic prescribing for any prescription for controlled substances to eliminate the use of forged or stolen prescription pads.
- The integrity of the medical community as a whole is protected by the practitioner dispensing ban, as it eliminates the ability of unethical doctors to dispense controlled substances damaging the medical community's reputation.
- The bill creates a buy-back program for current practitioners to sell back their controlled substance inventory.
 - Legitimate medical practices would lose thousands of dollars without the ability to sell back their previously purchased controlled substances for the same prices they paid for them.
- The bill gives law enforcement the support and tools necessary to combat the illicit distribution of controlled substances.
 - The bill gives law enforcement easier access to necessary records needed for investigations.
 - It creates criminal penalties for pharmacists who fail to report attempts to fraudulently obtain controlled substances.
 - It strengthens the criminal penalties for theft and burglary of controlled substances.
 - After enactment of the bill, law enforcement agencies will be allowed to enter business premises of the dispensing practitioners identified as posing the greatest threat to public health and quarantine their substance inventories.
 - If a dispensing practitioner fails or neglects to participate in the buy-back program, the bill allows law enforcement to seize dispensing practitioners' controlled substance inventories as contraband.
 - The bill directs the Department of Health and FDLE to continuously monitor distribution of controlled substances and quickly act on distributions that appear suspicious or excessive.

The Florida Legislature needs to focus on a solution that will stop the dispensing of medically unbelievable amounts of drugs to individuals. By banning practitioners from dispensing controlled substances, we can quickly and effectively put an end to the epidemic of prescription drug abuse in Florida.